

OCTOBER 5, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 17E-18 (2006)
COUNTY EXECUTIVE: STSTA - Engineer Term Agreement - DiDonato Associates - Work Order: DA-7
(5-0)

b. COMM. 17M-1 (2006)
VILLAGE OF NORTH COLLINS: Certified Resolution Re: Merger W/ ECSD No. 2
(5-0)
2. COMM. 17E-16 (2006)
COUNTY EXECUTIVE
WHEREAS, the Towns of Amherst, Tonawanda, and Cheektowaga, including the Villages located therein, and Erie County receive over \$6,000,000 annually in federal Community Development Block Grant funds; and

WHEREAS, an important element for receiving federal funds is an Analysis of Impediments to Fair Housing Choice within recipient municipalities; and

WHEREAS, the aforementioned local governments and Erie County are desirous of conducting a joint Analysis of Impediments to Fair Housing Choice consistent with federal guidelines; and

WHEREAS, based on results from a Request for Proposal process conducted by the Department of Environment and Planning, the County Executive is desirous of executing a contract for an amount not to exceed \$65,000 with the University at Buffalo Foundation; and

WHEREAS, funds for the Analysis will be federal Community Development Block Grant (CDBG) monies available to each municipality with contributions shown as follows:

- \$36,500 –

Erie County

• \$ 9,500 –

Town of Amherst

• \$ 9,500 –

Town of Tonawanda

• \$ 9,500 –

Town of Cheektowaga

\$65,000 –

Total

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract with the University at Buffalo Foundation in an amount not to exceed \$65,000 for the purpose of carrying out an Analysis of Impediments to Fair Housing Choice within those municipalities comprising the Erie County Block Grant Consortium, Towns of Amherst, Cheektowaga, and Tonawanda and Villages therein; and be it further

RESOLVED, that the County Executive is further authorized to execute contracts with the Towns of Amherst, Tonawanda, and Cheektowaga for the purpose of receiving \$9,500 from each municipality for completion of said Analysis; and be it further

RESOLVED, that \$36,500 in Erie County CDBG monies is available in SAP Account J.00506.1.8 for said Analysis; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the County Attorney.
(5-0)

3. COMM. 17E-17 (2006)
COUNTY EXECUTIVE
WHEREAS, the County of Erie and the Village of Orchard Park have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of the Village; and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of the Village of Orchard Park entails a merger of the Village sewer system into Erie County/Erie County Sewer District No. 3; and

WHEREAS, to effectuate the merger, the sanitary sewer assets of the Village must be transferred to the County; and

WHEREAS, the Erie County Legislature desires to see the economies of scale savings and cost avoidance be realized in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Legislature desires to see Village residents realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Village of Orchard Park for an intermunicipal agreement to transfer said sanitary sewer assets to Erie County/Erie County Sewer District No. 3; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to transfer the Village’s sanitary sewer assets to Erie County/Erie County Sewer District No. 3 subject to approval as to form by the County Attorney’s office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; Gregory J. Dudek, Assistant County Attorney; and the County Director of Budget, Management and Finance.
(5-0)

3. COMM. 17E-19 (2006)
COUNTY EXECUTIVE

WHEREAS, Erie County/Erie County Sewer District No. 6 herein called the “Borrower” after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Wilmuth Pumping Station Trash Racks Project and identified as CWSRF Project NO. 6650-11, (Capital Project No. C.00064), herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the “Act”) being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the state of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund, and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, The CWSRF Act authorizes the establishment of a program or planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY THE ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The County Executive
(Authorized Representative)

The Erie County Comptroller
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.

4. That the Clerk of the Legislature be directed to send one certified copy of this Resolution to the County Executive; one certified copy to the Erie County Comptroller; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.

5. This Resolution shall take effect immediately.
(5-0)

4. COMM. 17E-20 (2006)
COUNTY EXECUTIVE
WHEREAS, the 2006 Budget for Erie County Sewer District No. 1 has insufficient funds budgeted in the NYSEFC Account for payment of Administrative Fees mandated by NYSEFC; and

WHEREAS, funds need to be transferred in the 2006 Operating Budget for payment of the above fees due in 2006; and

WHEREAS, when the 2006 Budget was prepared, the NYSEFC borrowing had not taken place until after the budget submittal and said budgeted funds were already approved and in place; and

WHEREAS, the 2006 Budget for Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency and Erie County Sewer District Nos. 2 and 6 have insufficient funds budgeted in the Utilities and Automotive, Truck and Heavy Equipment accounts to pay for utilities, gas and diesel fuel purchases for the balance of 2006; and

WHEREAS, there are sufficient funds in the Contractual Services Account in Erie County Sewer District Nos. 2 and 3/Southtowns Sewage Treatment Agency and the Maintenance and Repairs Account in Erie County Sewer District No. 6 to enable a transfer to the Automotive, Truck and Heavy Equipment Account to cover the cost of gas and diesel fuel purchases to the remainder of 2006; and

WHEREAS, there is sufficient fund balance available in Erie County Sewer District Nos. 2, 6 and Southtowns Sewage Treatment Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the following amounts be transferred from each respective account in the Sewer Operating Fund by the Budget Office as follows:

				<u>Amount</u>	<u>Increase</u>	<u>Decrease</u>
<u>EFC Administrative Fees</u>						
ECSD No. 1	220	18110		\$ 6,100	550500	506200
<u>Automotive Expense</u>						
ECSD No. 2	220	18210		\$10,000	505600	516020
ECSD No. 3/ Southtowns	220	18310		\$25,000	505600	516020

ECSD No. 6	220	18610		\$15,000	505600	516030
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				Increase Use of Fund Balance		Increase Utilities
<u>Utilities Expense</u>				<u>402190</u>		<u>515000</u>

ECSD No. 2	220	18210		\$100,000		\$100,000
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ECSD No. 3/ Southtowns	220	18310		\$450,000		\$450,000
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ECSD No. 6	220	18610		\$ 10,000		\$ 10,000
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and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

5. COMM. 17E-21 (2006)
COUNTY EXECUTIVE
WHEREAS, the County of Erie and the Village of North Collins have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of the Village; and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of the Village of North Collins entails a merger of the Village sewer system into Erie County/Erie County Sewer District No. 2; and

WHEREAS, to effectuate the merger, the sanitary sewer assets of the Village must be transferred to the County; and

WHEREAS, the Erie County Legislature desires to see the economies of scale savings and cost avoidance be realized in Erie County Sewer District No. 2; and

WHEREAS, the Erie County Legislature desires to see Village residents realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Village of North Collins for an intermunicipal agreement to transfer said sanitary sewer assets to Erie County/Erie County Sewer District No. 2; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to transfer the Village’s sanitary sewer assets to Erie County/Erie County Sewer District No. 2 subject to approval as to form by the County Attorney’s office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; Gregory J. Dudek, Assistant County Attorney; and the County Director of Budget, Management and Finance.
(5-0)

6. COMM. 17E-22 (2006)
COUNTY EXECUTIVE
WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this Program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative

and coordinated Radon/Indoor Air Quality Programs and to implement a comprehensive Radon Risk Reduction Program; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County has received \$53,172 in supplemental Tribal Community Reducing Toxic Air Pollutants Project (162TRIBECOMM0507) funding; and

WHEREAS, Erie County received notification of award from the NYSDOH on March 23, 2006, for an additional \$46,000 in grant funding to extend the State Indoor Radon Grant Program (SIRG 11); and

WHEREAS, the additional grant funding will extend the SIRG Program through June of 2007; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the County to most efficiently utilize the additional grant resources.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a contract extension and accept funds in the amount of \$46,000 from the NYSDOH for the continuation of the SIRG 11 Program, and be it further

RESOLVED, that the grant budget for the Erie County SIRG 11 Program will be revised as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
407500	State Aid – New York State DOH	\$ 110,000.00	\$46,000.00	\$156,000.00
422010	Minor Sales – Radon Testing Kits	12,325.00	0	12,325.00
466100	Other Revenue – Grant Program	<u>7,076.87</u>	<u>(7,076.87)</u>	<u>0</u>
TOTAL REVENUE:		\$129,401.87	\$38,923.13	\$168,325.00

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel/Salaries	\$ 81,000.00	\$63,750.00	\$144,750.00
502000	Fringe Benefits	36,700.00	28,345.13	65,045.13
505800	Supplies (Medical and Health)	8,926.87	0	8,926.87
510100	Travel (Local Mileage)	1,075.00	0	1,075.00
516020	Professional Services Dues/Fees	750.00	0	750.00
545000	Rental	250.00	0	250.00
561410	Equipment (Lab & Tech)	700.00	0	700.00
916290	ID DEP Grant		(53,172.00)	(53,172.00)
TOTAL APPROPRIATIONS:		\$129,401.87	\$38,923.13	\$168,325.00

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

7. COMM. 17E-23 (2006)
COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to implement air quality education and outreach initiatives; and

WHEREAS, Erie County has successfully conducted a model Indoor Air Quality (IAQ) Program since 1988; and

WHEREAS, representatives from regional Native American population centers have expressed interest in developing a program to minimize risks associated with toxic air pollutants and to utilize Erie County’s expertise in indoor air quality, commercial environmental assistance, and the collection of household hazardous waste; and

WHEREAS, the USEPA has awarded the Erie County Department of Environment and Planning (ECDEP) a grant in the amount of \$67,122 to establish a two-year program to implement a multifaceted risk reduction effort for indoor and outdoor air pollutants; and

WHEREAS, a budget revision is necessary to effectively utilize the Project funding.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Department of Environment and Planning is hereby authorized to make the necessary changes to the Erie County Tribal Community Reducing Toxic Air Pollutants Project budget to effectively utilize the grant funding, and be it further

RESOLVED, that the existing budget will be revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
916200	ID Environment and Planning Services	\$53,172	0	\$53,172
505000	Office Supplies	7,950	(7,950)	0
510000	Local Mileage	1,000	0	1,000
516020	Professional Service Contract & Fees	5,000	7,950	12,950
TOTAL APPROPRIATIONS		\$67,122	0	\$67,122

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

THOMAS J. LOUGHRAN
CHAIRMAN